

Battle Lines Set as New York Acts to Cut Emissions

New York Times - By [DANNY HAKIM](#)

ALBANY, Nov. 23 - New York is adopting California's ambitious new regulations aimed at cutting automotive emissions of global warming gases, touching off a battle over rules that would sharply reduce carbon dioxide emissions while forcing the auto industry to make vehicles more energy efficient over the next decade.

Stricter automotive rules are intended to curb greenhouse gas emissions from traffic-choked places like the Brooklyn-Queens Expressway.

The rules, passed this month by a unanimous vote of the State Environmental Board, are expected to be adopted across the Northeast and the West Coast. But the auto industry has already moved to block the rules in [New York State](#), and plans to battle them in every other state that follows suit.

Environmentalists say the regulations will not lead to the extinction of any class of vehicle, but simply pressure the industry to sell more of the fuel-saving technologies they have already developed, including hybrid systems that use a combination of electricity and gasoline. And that, they say, will curtail one of the main contributors to global warming.

"The two biggest contributors to global warming are power plants and motor vehicles," said David Doniger, a senior lawyer for the Natural Resources Defense Council. "If you deal with them, you deal with more than two-thirds of the problem."

But automakers contend that the regulations will limit the availability of many sport utility vehicles, pickup trucks, vans and larger sedans, since they will effectively require huge leaps in gas mileage to rein in emissions. The industry also says the rules will force them to curb sales of more-powerful engines in the state, and ultimately harm consumers by increasing the cost of vehicles.

The standards are the most ambitious environmental regulations for automobiles since federal fuel economy regulations were enacted in the 1970's. They will be phased in starting with 2009 models and require a roughly 30 percent reduction in automotive emissions of carbon dioxide and other greenhouse gases by the 2016 models.

The new rules will also effectively require an improvement in fuel economy on the order of 40 percent for vehicles sold in the state.

Ten states follow or plan to follow California's air quality rules, which have previously focused on auto emissions that cause smog, and the latest set of rules would for the first

time limit carbon dioxide emissions. And as the largest of the 10 states, New York is being closely watched as it institutes the new rules.

If all 10 states and California succeed in enacting the rules, they will form a powerful alternative regulatory bloc accounting for about a third of the nation's auto sales.

"That is so much of the market it should reach a tipping point," Mr. Doniger said. "It won't make sense for the automakers to build two fleets, one clean and one dirty."

New Yorkers will certainly notice the regulations should they survive the court challenges. The state estimates that the rules will increase the cost of a new car or truck by more than \$1,000 when fully phased in, an amount it expects car owners to recoup over time through savings at the pump. Vehicles will need to comply with the new standards to be registered in the state.

In early August, more than three months before the regulations were even adopted, automakers from Detroit to Tokyo joined in a suit to block them, making New York the latest legal front in the industry's fight against the measures. After California adopted the regulations in their final form in September 2004, automakers sued in state and federal courts, where the battle is still playing out.

California, unlike other states, has special authority to set its own air quality rules because it did so before passage of the federal Clean Air Act. Other states can pick California's tougher regulations over Washington's.

"If the California regulation actually were in effect today, only a handful of models would meet it," said Gloria Bergquist, a spokeswoman for the Alliance of Automobile Manufacturers, which includes Toyota, General Motors and several other major automakers.

Judith Enck, a policy adviser to Attorney General [Eliot Spitzer](#), said she expected more challenges on many fronts, with automakers battling New York every step of the way. "We're ready for them to file a lawsuit if the state sneezes," she said.

An analysis by the State Department of Environmental Conservation said it would take one to five years for drivers of cars, smaller sport utility vehicles and pickup trucks to make up for the higher initial cost of their more fuel-efficient vehicles, assuming a gas price of \$2 a gallon. For drivers of heavier S.U.V.'s and pickups, it would take one to three years.

But automakers estimate that the regulation will add about \$3,000 to the cost of new cars and trucks and be hard to make up over time. To comply, they say, they will have to restrict sales of their vehicles with the poorest mileage, or redesign them to add new technologies, or to be more aerodynamic and lighter in weight.

"The California legislation would hurt the most the people that rely on large cars, pickups, S.U.V.'s and minivans," Ms. Bergquist said.

Environmental groups say the rules can be met with technology already on the shelf.

"They said that seat belts would put them out of business; they said that air bags would put them out of business; they said fuel economy and emissions regulations would all put them out of business," said David Friedman, a senior analyst at the Union of Concerned Scientists.

"It turns out it's their unwillingness to innovate that's putting them out of business right now," he added, referring to the current struggles of General Motors and Ford Motor Company.

The legal battles do come at an awkward time. After years of saying that customers cared little about gas mileage, automakers are rushing to assert their green credentials as oil prices have risen. G.M. and Ford have been particularly scarred by the sales slump of their large sport utility vehicles and pickup trucks.

In a recent advertisement that has appeared in The New York Times and in many other publications, Ford's chairman and chief executive, William Clay Ford Jr., promoted his company's plan to sell 250,000 vehicles next year that can run on a corn-based ethanol blend instead of on gasoline and 250,000 hybrid vehicles annually by 2010.

"Innovation is our mission," the advertisement said, adding that the company was building "smarter, safer, more fuel-efficient vehicles."

Industrywide, however, the gas mileage of the average new vehicle sold in the United States is below what it was two decades ago, because leaps in efficiency have been overtaken by increases in the weight of vehicles and in the power of their engines.

The 10 states that either follow California's car rules or are in the process of adopting them are New York, Maine, New Jersey, Vermont, Massachusetts, Oregon, Washington, Rhode Island, Connecticut and Pennsylvania.

While states are supposed to follow all of California's car rules or stick with Washington's, in practice that has not always been the case. The administration of Gov. [George E. Pataki](#), however, has been an early supporter of the global warming regulations, getting approval from the State Environmental Board on Nov. 9. (The rules do not need to be approved by the State Legislature.)

Many of the industry's legal arguments against the rules are likely to be drawn from a playbook automakers have used in California. One contention is that the regulation of tailpipe emissions is superseded by Washington's authority to regulate fuel economy. Regulators in California have countered that they have authority to take action on any emissions threatening public health.

While global warming and what contributes to it have been controversial issues in the United States, a wide body of international science has linked it to health and environmental dangers, including increases in rates of [asthma](#) and infectious disease and threats to coastlines from rising sea levels.

The auto industry does not dispute the issue of global warming, but says policies should be set nationwide, rather than at the state level. President Bush has shown little inclination to do that, having rejected the Kyoto global climate accord early in his first term, but his administration has modestly increased federal fuel economy standards.

In New York, automakers also plan to argue that the regulations were not vetted as thoroughly as the state's laws require. And they will contend that the standards will actually harm the environment by leading to what Ms. Bergquist called "the jalopy effect" because higher initial car prices will discourage people from trading in older models that pollute more than newer ones.

"Less efficient autos will stay on the road longer, and that will increase smog-forming pollutants," she said.

Daniel F. Becker, a top global warming strategist at the Sierra Club, said, "If there were an Olympics of chutzpah, the auto industry would win a gold medal for suing New York claiming that their clean car law is bad for the environment."